

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CARMEN MAYSONET,

Plaintiff,

v.

Case No: 8:21-cv-347-T-KKM-AAS

MASTRONARDI PRODUCE
USA, INC.,

Defendant.

_____ /

ORDER

Plaintiff Carmen Maysonet moves to remand her retaliation claim under Florida Workers' Compensation Law (Section 440.205, Florida Statutes). (Doc. 5). Defendant Mastronardi Produce does not oppose Maysonet's motion. (*Id.* at 5).

A civil action arising under a state's workers' compensation laws may not be removed to federal court. 28 U.S.C. § 1445(c). As a result, this Court must remand Plaintiff's retaliation claim brought under Florida Workers' Compensation Law. *See Reed v. Heil Co.*, 206 F.3d 1055, 1061 (11th Cir. 2000); *see also Alansari v. Tropic Star Seafood Inc.*, 388 F. App'x 902, 905–6 (11th Cir. 2010). Because this Court lacks subject-matter jurisdiction over Maysonet's retaliation claim alleged in Count I of her removed complaint, the following is **ORDERED**:

1. Maysonet's unopposed motion to remand Count I (Doc. 5) is **GRANTED**.
2. The Clerk is **DIRECTED** to remand Count I only to the Circuit Court of the Tenth Judicial Circuit, in and for Polk County, Florida, and to transmit a certified copy of this order to the Clerk of that Court.

ORDERED in Tampa, Florida, on February 18, 2021.



Kathryn Kimball Mizelle
United States District Judge